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Senate Resolution CR-14SB-2776 Article IV Revisions, Refinement Within the Judicial Branch

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Student Government Association, "Senate Resolution CR-14SB-2776 Article IV Revisions, Refinement Within the Judicial Branch" (2014). *Legislation*. 2463.
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SENATE LEGISLATION

CR-14SB-2776

CR-14SB-2776: Refinement within the Judicial Branch

- 1
2 Whereas: The Student Government of the University of North Florida was established to represent
3 student concerns in all University wide matters, and;
4 Whereas: The Senate is the legislative body of the University of North Florida's Student Government
5 given the responsibility of carrying out such legislative acts that are necessary and proper for the
6 Student Body of the University of North Florida; and;
7 Whereas: Legislation dealing with necessary and proper statutory revisions to the system of statutes shall
8 be considered by the Senate; and
9 Therefore: The following necessary and proper revision to the Student Government Constitution is being
10 proposed with the intention to refine the Student Body Constitution so that the Judicial Branch
11 can run more efficiently;
12 Therefore: The following revisions are being made to Article:

Article IV: THE JUDICIARY

Section 1: Judicial Powers

- 15 The Judicial Power of Student Government shall be vested in the Supreme Court
16 ~~Judicial Council.~~

Section 2: Composition of the ~~Judicial Council~~Supreme Court

- 18 A. The ~~Supreme Court~~Judicial Council shall be composed of seven (7)~~nine (9)~~ total
19 Justices.
20 B. A Chief Justice shall be elected annually from within the Council to serve as the
21 presiding officer and shall serve a one (1) year term.
22 C. An ~~Associate~~Deputy Chief Justice shall be appointed annually from within the
23 Judicial Council by the Chief Justice and shall assume the duties of the Chief Justice
24 in the event of his/her absence.
25 D. Other officers that the Council deems necessary shall be chosen according to Judicial
26 Rules and Procedures.

Section 3: Terms and Qualifications of Justices



CR-14SB-2776: Refinement within the Judicial Branch

A. Terms: Upon installation, justices may serve a maximum of six (6) years as long as they remain qualified. Acting Justices may also resign their position at any time for any reason.

B. Qualifications: Justices must be A & S fee paying students, enrolled in at least one (1) class during both the fall and spring semester, and maintain a 2.25 GPA or higher.

Section 4: Installation of Justices

A. Procedure: When there is a vacancy on the Judicial Council, the President shall forward a Judicial Nominee to Senate for majority confirmation. Upon majority confirmation from Senate, the Judicial Nominee shall immediately be installed as an acting Justice.

Section 5: Jurisdiction and Judicial Processes Review

A. Powers: The ~~Judicial Council~~ Supreme Court shall have the power of Judicial Review over all Executive and Legislative Acts. This power shall include and be limited as prescribed by law.

1. The ~~Supreme Court Judicial Council~~ must negate and remove existing Student Government Statute, Appropriation, Law, Joint Resolution, Executive Order, and/or Senatorial policy when in conflicts with any provisions of the Student Government Constitution.

2. The ~~Supreme Court Judicial Council~~ must negate and remove existing Student Government Statute, Appropriation, Law, Joint Resolution, Executive Order, and/or Senatorial policy when in conflicts with any Federal law, State law, Local law or ordinance. Prior to any judgment that negates or removes existing Student Government Statute, Appropriation, Law, Joint Resolution, Executive Order, and/or Senatorial policy that is being challenged on the grounds that it violates Federal law, State law, Local law or ordinance, or University regulation, the Supreme Court ~~Judicial Council~~ must may consult with the University of North Florida's General Counsel.

3. The ~~Supreme Court Judicial Council~~ may issue a temporary stay against the application of a Student Government Statute, Appropriation, Law, Joint Resolution, Executive Order, and/or Senatorial policy in time sensitive matters not to exceed ten (10) business days, in order to provide ample time



CR-14SB-2776: Refinement within the Judicial Branch

for a judicial hearing and decision. The Supreme Court ~~Judicial Council~~ shall not issue more than two (2) stays for any one complaint or issue.

4. The Supreme Court ~~Judicial Council~~ shall serve as the final deciding body for all disputes between Student Government student employees, members, and/or elected officials which involve Student Government law. Judicial relief in such cases shall be prescribed by law but must always be comparable to the Judicial power exercised by courts in the United States Federal Court System.

B. General Restrictions: The aforementioned power of Judicial Review outlined in Section 5 of this Article cannot be enacted unless an A & S fee paying student files a written complaint. Furthermore, the complainant cannot be a member of the Judicial Council and any judgment rendered must be within the purview of the complaint.

C. Constitutional Restriction: Supreme Court ~~The Judicial Council~~ may not change, amend, negate, or remove any provision of the Student Government Constitution at any time for any reason.

Section 6: Administration: Practice and Procedure

A. Quorum for a Student Government Supreme Court ~~Judicial Council~~ hearing shall be set at fifty percent (50%) plus one (1) of the current membership.

B. The Chief Justice of the Supreme Court ~~Judicial Council~~ shall serve as the chief administrative officer of the judiciary and shall be vested with, and shall exercise, in accordance with rules adopted by the court, the authority to:

1. Assign duties among the Justices of the ~~Council~~ Court.
2. Conduct and preside over Court ~~Council~~ proceedings.
3. Rule on procedural questions that arise during the course of the judicial proceedings.
4. Report in writing to the Respondent of any complaint filed with Supreme Court ~~the Judicial Council~~.



CR-14SB-2776: Refinement within the Judicial Branch

5. Be responsible for administering the "Oath of Office" to all Student Government officers.

6. Periodically inform the Senate of the condition of the Judiciary.

7. Report to the Senate such defects in the laws as may have been brought to the attention of the ~~Council~~ Court and suggest such amendments or additional legislation which is deemed necessary.

C. The ~~Supreme Court~~ Judicial Council shall establish its own meeting times, rules, and procedures. Rules and procedures of the ~~Supreme Court~~ Judicial Council may be negated and removed through a bill requiring a two-thirds vote of Senate and Presidential signature approval. If the President does not approve, the Senate may override his veto by three-fourths (3/4) vote.

D. The ~~Supreme Court~~ Judicial Council shall conduct open Hearings for all cases.

Furthermore: Let it be enacted, by the University of North Florida Student Government that the proposed revisions to the Constitution be forwarded to the Student Body during the Fall 2014 General elections for evaluation to be made effective upon validation of the election.

Legislative Action

Respectfully Submitted: Shomari Gloster

Introduced by: Abigail Hartsfield

Senate Action: Unanimously Approved by 13 Voting Members

Date: 7/25/2014

Signed

Kaitlin D. Ramirez

Kaitlin D. Ramirez, Student Senate President